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January 25, 2009

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ELECTION UNDER 35 USC § 121  
Patent Application  
Docket No. GJE-7235

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Venkataraman Balasubramanian  
Art Unit : 1624  
Applicants : David John Miller *et al.*  
Serial No. : 10/563,202  
Filed : January 3, 2006  
Conf. No. : 6477  
For : Organosilicon Compounds and Their Use

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

2<sup>nd</sup> ELECTION UNDER 35 USC §121

Sir:

In response to the second written Restriction Requirement dated December 24, 2008, the applicants hereby elect with traverse to prosecute the Group I claims, *i.e.* claims 1-21 and 23-31 drawn to a compound of formula I and formula II, wherein Ring 1 is furan and Ring 2 is pyrimidinyl, composition and method of use. The applicants further elect the ABC bearing ring wherein A-B-C is Si-CH<sub>2</sub>-Si.

Although the Restriction Requirement states that "it cannot be said that such a phenyl ring essentially contribute to the utility recited in the claims," the compound claims do not recite a specific utility. Nor is it possible to know whether or not the phenyl ring contributes, essentially or otherwise.

The Restriction Requirement further states that the common utility requirement is also not met. The applicants respectfully submit that the fact that the compounds can be used for various therapies does not support this basis for restriction. The evidence is that the compounds are useful for the same therapies, single or various.

Finally, please note that, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions (MPEP § 803 *et seq.*).

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Respectfully submitted,



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